

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
	)	
GRAY et al.	)	Group Art Unit: 1631
	)	
Application No.: 09/765,291	)	Examiner: Ardin Marschel
	)	
Filed: Jan. 22, 2001	)	Confirmation No.: 9405
	)	
For: CHROMOSOME-SPECIFIC STAINING	)	<b>HAND CARRY CM 1, 7th floor</b>
TO DETECT GENETIC	)	
REARRANGEMENTS	)	
	)	

**AMENDMENT/REPLY TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is also enclosed.
- ☐ A Terminal Disclaimer and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee due under 37 C.F.R. § 1.20(d) are also enclosed.
- ☒ Also enclosed is/are Interference Initial Memorandum.
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$375.00 (2801) ☐ \$750.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted \_\_\_, on \_\_\_, for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least \_\_\_, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.
- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADD'L FEE
Total Claims		MINUS =		\$18.00 (1202) =	
Independent Claims		MINUS =		\$84.00 (1201) =	
If Amendment adds multiple dependent claims, add \$280.00 (1203)					
Total Claim Amendment Fee					
If small entity status is claimed, subtract 50% of Total Claim Amendment Fee					
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					

☐ A total fee in the amount of \$ \_\_\_\_\_ is enclosed.

☐ Charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: September 3, 2003

By: Malcolm K. McGowan  
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Form PTO-850 (Rev. 11-28-2000)

## INTERFERENCE INITIAL MEMORANDUM

Count # \_\_\_\_\_

To the Board of Patent Appeals and Interferences:

An interference is proposed involving the following two parties—

PARTY <u>GRAY et al.</u>	APPLICATION NO. <u>09/765,291</u>	FILING DATE <u>Jan. 22, 2001</u>	PATENT NO., IF ANY	ISSUE DATE, IF ANY
If the involved case is a patent, have its maintenance fees been paid? Yes _____ No _____ Not due yet _____				
Proposed priority benefit (list all intervening applications necessary for continuity):				
COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
<u>U.S.</u>	<u>08/487,974</u>	<u>June 7, 1995</u>		
<u>U.S.</u>	<u>08/342,028</u>	<u>Nov. 16, 1994</u>		
<u>U.S.</u>	<u>08/181,367</u>	<u>Jan. 14, 1994</u>		
<u>U.S.</u>	<u>08/054,353</u>	<u>Apr. 28, 1993</u>		
<u>U.S.</u>	<u>07/537,305</u>	<u>June 12, 1990</u>		
The claim(s) of this party corresponding to this count:				
PATENTED OR PATENTABLE PENDING CLAIMS <u>127-128, 130-134, 136-142, 146-149</u>			UNPATENTABLE PENDING CLAIMS <u>NONE</u>	
The claim(s) of this party NOT corresponding to this count:				
PATENTED OR PATENTABLE PENDING CLAIMS <u>NONE</u>			UNPATENTABLE PENDING CLAIMS <u>NONE</u>	
PARTY <u>WESTBROOK</u>	APPLICATION NO. <u>07/784,222</u>	FILING DATE <u>Oct. 28, 1991</u>	PATENT NO., IF ANY <u>6,025,126</u>	ISSUE DATE, IF ANY <u>Feb. 15, 2000</u>
If the involved case is a patent, have its maintenance fees been paid? Yes _____ No _____ Not due yet <u>✓</u>				
Proposed priority benefit (list all intervening applications necessary for continuity):				
COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
The claim(s) of this party corresponding to this count:				
PATENTED OR PATENTABLE PENDING CLAIMS <u>1-25</u>			UNPATENTABLE PENDING CLAIMS <u>NONE</u>	
The claim(s) of this party NOT corresponding to this count:				
PATENTED OR PATENTABLE PENDING CLAIMS <u>NONE</u>			UNPATENTABLE PENDING CLAIMS <u>NONE</u>	
(Check off each step, if applicable) INSTRUCTIONS				
<input type="checkbox"/> 1. Obtain all files listed above. <input type="checkbox"/> 2. Confirm that the proposed involved claims are still active and all corrections and entered amendments have been considered. The patents must not be expired for, among other things, failure to pay a maintenance fee (Check PALM screen 2970). <input type="checkbox"/> 3. If one of the involved files is a published application or a patent, check for compliance with 35 U.S.C. 135(b). <input type="checkbox"/> 4. Obtain a certified copy of any foreign benefit documents where necessary (37 CFR 1.55(a)). <input type="checkbox"/> 5. Discuss the proposed interference with an Interference Practice Specialist in your Technology Center.				
DATE	PRIMARY EXAMINER (signature)		ART UNIT	TELEPHONE NO.
DATE	INTERFERENCE PRACTICE SPECIALIST or TECHNOLOGY CENTER DIRECTOR (signature)			TELEPHONE NO.

Page \_\_\_\_ of \_\_\_\_